

RECEIVED
CENTRAL FAX CENTER

FEB 06 2004

OFFICIAL

Response to Election/Restriction

To: Renee Pettus, Biotechnology Office

ATTN : Examiner Karen A. Canella

Art Unit: 1642

Re: Application *Ser. No.* 09/751,708

Date of FAX: February 6, 2004

FAX no.: (703) 308-4407

No. of pages: 3

**Please FAX Confirmation of Receipt of
this FAX to: David S. Terman
(831) 624-1207**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

FEB 06 2004

In re: the U. S. Application)

David S.TERMAN)

Serial No. 09/951,708)

Filed: December 28, 2000)

For Compositions and Methods for
Treatment of Neoplastic
Disease

OFFICIAL


**PRELIMINARY AMENDMENT: RESPONSE TO
ELECTION/RESTRICTION**

1. Applicant has detected an inadvertent error in electing Group claim V claims 26, 27 and 32 instead of Group claim IV claims 24, 25 and 32 in his Election/Restriction response of November 2, 2003. This was a typographical error in which the term "V" was unintentionally transcribed instead of the term "IV." It was not recognized until Applicant reviewed and responded to the second Election/Restriction from Examiner Cannella on February 6, 2004.
2. Applicant now respectfully requests correction of the election to **Group IV claims 24, 25 and 32** for examination.
3. Assuming that the Examiner's request for selection of a superantigen from the list of a-f would apply to Group IV claims 24, 25 and 32, applicant responds as follows:
4. Applicant respectfully disagrees with the examiner that each superantigen should be placed in a separate categories. All species in a-f are clearly acknowledged as superantigens having the common properties of stimulating a large proportion of mammalian T lymphocytes selectively via the T cell $V\alpha/\beta$ regions in quantities as low as

10¹⁵M. They are acknowledged by those skilled in the art as a viable family and are not patentably distinct entities.

5. Applicant selects (k) gangliosides from the group listed in item 4 of the communication.

Respectfully yours,



David S. Terman, M.D.

Date: February 6, 2004